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14 Dwight Neven, Jason Satterly and  
15 Anthony Warren

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DISTRICT OF NEVADA	
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17 UNITED STATES DISTRICT COURT  
18 DISTRICT OF NEVADA

19 JOHN MELNIK,  
20 Plaintiff,  
21 vs.  
22 JAMES DZURENDA, et al.,  
23 Defendants.

24 *ORDER*  
Case No. 3:16-cv-00670-MMD-CBC  
25 MOTION FOR ENLARGEMENT OF TIME  
26 FOR DEFENDANTS BARTH AND  
27 DZURENDA TO RESPOND TO  
28 PLAINTIFF'S FIRST SET OF  
INTERROGATORIES

29 Defendants, Stacy Barret, Jay Barth, James Dzurenda, Dwight Neven, Jason Satterly and  
30 Anthony Warren, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and  
31 Erin L. Albright, Deputy Attorney General, hereby move this Court to enlarge the time for Defendants  
32 Barth and Dzurenda to respond to Plaintiff's First Set of Interrogatories to April 25, 2019.

33 This Motion is based on the following Memorandum of Points and Authorities and the papers  
34 and pleadings on file herein.

35 MEMORANDUM OF POINTS AND AUTHORITIES

36 I. RELEVANT FACTS

37 On February 28, 2019, Plaintiff served Defendant Dzurenda with a First Set of Interrogatories.

38 On March 3, 2019, Plaintiff served Defendant Barth with a First Set of Interrogatories.

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1        Some of the interrogatories posed to both Defendants require the Defendants to review  
2 documentation to refresh their memories. Defendants have requested the information necessary to  
3 respond to Plaintiff's interrogatories from the Nevada Department of Corrections (NDOC) and have  
4 yet to receive it.

5 **II. ARGUMENT**

6 Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

7        When an act may or must be done within a specified time, the court may,  
8 for good cause, extend the time: (A) with or without motion or notice if  
9 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

10       The proper procedure, when additional time for any purpose is needed, is to present a request  
11 for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31  
12 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a  
13 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8  
14 F.R.D. 268 (N.D. Ohio 1947).

15       The time for both Defendant Barth and Defendant Dzurenda to respond to Plaintiff's First Set of  
16 Interrogatories has not expired. Defendants seek a second enlargement of time for both Defendant  
17 Barth and Defendant Dzurenda to respond to Plaintiff's First Set of Interrogatories because they have  
18 not received the necessary documentation to respond to Plaintiff's interrogatories. If the Defendants  
19 answer the interrogatories without reviewing the documentation requested from the NDOC, their  
20 answers will be incomplete. Therefore, Defendants respectfully request that the deadline for Defendant  
21 Barth and Defendant Dzurenda to respond to Plaintiff's First Set of Interrogatories be enlarged to April  
22 25, 2019. This extension is not made for the purposes of delay or to prejudice Plaintiff.

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1     **III. CONCLUSION**

2     Based on the foregoing, Defendants respectfully request that the time for Defendants Barth and  
3     Dzurenda to respond to Plaintiff's First Set of Interrogatories be enlarged to April 25, 2019.

4     DATED this 27<sup>th</sup> day of March, 2019.

5                     AARON D. FORD  
6                     Attorney General

7     By: 

8                     ERIN E. ALBRIGHT  
9                     Deputy Attorney General  
10                    State of Nevada  
11                    Bureau of Litigation  
12                    Public Safety Division

13                    *Attorneys for Defendant*

14                    IT IS SO ORDERED

15                      
16                    U.S. MAGISTRATE JUDGE

17                    DATED: 3/28/2019